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Richard H. Hione

Signature



Our Case No. 4660/5200

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Timothy H. Daily et al.

U.S. Patent No. **7,044,458**

Issue Date : **May 16, 2006**

Serial No. **09/846,141**

Filing Date: **April 30, 2001**

Title: **STABILIZER BAR**

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) Examiner: **Pamela Rodriguez**
)
) Group Art Unit No. **3683**
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REQUEST FOR RECONSIDERATION OF
PATENT TERM ADJUSTMENT
PURSUANT TO 37 C.F.R. § 1.705(d)

Mail Stop Patent Ext
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

U.S. Patent No. **7,044,458** was issued on **May 16, 2006**. Pursuant to 35 U.S.C. § 154(b) the United States Patent and Trademark Office has calculated a patent term adjustment of **678** days. A copy of the Issue Notification for U.S. patent number **7,044,458** is included herewith as

Exhibit A.

07/20/2006 SLUANG2 00000001 231925 7044458

01 FC:1455 200.00 DA

Applicant's Attorney believes that the patent term adjustment should be **1005** days. For the reasons stated herein, reconsideration of this patent term adjustment is respectfully requested pursuant to 37 C.F.R. 1.705(d). Please charge the petition fee pursuant to 37 C.F.R. § 1.18(e) to Deposit Account No. 23-1925. Please charge any additional fee required or credit for any excess fee paid to Deposit Account No. 23-1925. A duplicate copy of this Petition is attached.

The patent term adjustment for U.S. patent number **7,044,458** was calculated by the U.S. Patent and Trademark Office based on activities and associated dates detailed in the Patent Application Information Retrieval (PAIR) system Patent Term Adjustment History, attached as Exhibit B. Applicant's Attorney believes that errors and/or omissions in the calculation and/or the PAIR system Patent Term Adjustment History may have resulted in an incorrect patent term adjustment for U.S. patent number **7,044,458** as described in detail below. Pursuant to 37 C.F.R. §1.705(d), this request for reconsideration is being filed within two months of the issue date of the above-referenced patent. Note that U.S. patent number **7,044,458** is not subject to a terminal disclaimer. In addition, there were no circumstances during the prosecution of the application resulting in the patent that constitute a failure of the Applicant to engage in reasonable efforts to conclude processing or examination of the present application as set forth in 37 C.F.R. §1.704.

Period of adjustment for activities prior to mailing of Notice of Allowance

As detailed in the Patent Term Adjustment History that is attached as Exhibit B, the patent term adjustment indicated on the Notice of Allowance was **626** days.

Period of adjustment pursuant to 37 C.F.R. § 1.703(a)(6)

The period of adjustment pursuant to 37 C.F.R. § 1.703(a)(6) is the number of days in the period beginning on the day (“the 4 month date”) after the date that is four months after the issue fee was paid and all outstanding requirements were satisfied and ending on the date a patent was issued.

The issue fee was filed at the U.S. Patent and Trademark Office on **March 15, 2006**. The four month date calculated pursuant to 37 C.F.R. § 1.703(a)(6) is **July 17, 2006**. U.S. patent No. **7,044,458** issued on **May 16, 2006**. However, the PAIR system Patent Term Adjustment History, attached as Exhibit B, erroneously indicated the issue fee was filed on **March 17, 2006**. We believe the difference between the 4 month date and the issue date of the patent should have been **68** days instead of **746** days indicated in the PAIR system Patent Term Adjustment History, attached as Exhibit B. Applicant’s Attorney respectfully requests correction of the date of receipt of the issue fee and re-calculation of the patent term adjustment to take the corrected date into account.

Period of adjustment pursuant to 37 C.F.R. § 1.703(b)

The period of adjustment pursuant to 37 C.F.R. § 1.703(b) is the number of days in the period beginning on the day (“the 3 year date”) after the date that is three years after the date on which the application was filed pursuant to 35 U.S.C. § 111(a).

The present application was filed on **April 30, 2001** as evidenced by the official filing receipt attached as Exhibit C. The 3 year date determined pursuant to 37 C.F.R. § 1.703(b) is **April 30, 2004**. U.S. Patent Number **7,044,458** was issued on **May 16, 2006**, which is **746** days beyond the 3 year date. As indicated by the PAIR system Patent Term Adjustment History, attached as Exhibit B the total delay by the U.S. Patent Office was **746** days and the total delay by the Applicant’s Attorney was **68** days. Accordingly the total delay in the present application is

678 days. The non-overlapping period of adjustment pursuant to 37 C.F.R. § 1.703(f) is believed to be 327 days. Accordingly, Applicant's Attorney respectfully request re-calculation of the patent term adjustment to take this non-overlapping period delay into account.

Total patent term adjustment

For the present application, the total patent term adjustment pursuant to 37 C.F.R. § 1.703(f) is the period of adjustment pursuant to 37 C.F.R. § 1.703 reduced by any delay pursuant to 37 C.F.R. § 1.704. Thus, we believe that the patent term adjustment should be 1005 days instead of the 678 days indicated on the issue notification.

It is respectfully asserted that the patent term adjustment determined by the U.S. Patent and Trademark Office for U.S. patent number 7,044,458 may not be correct. Accordingly, Applicant's Attorney respectfully requests the U.S. Patent and Trademark office to reconsider, and make revisions to the PAIR system Patent Term Adjustment History in view of the previous remarks. In addition, it is respectfully requested that the patent term adjustment be re-calculated by the U.S. Patent and Trademark Office in view of the above remarks. Office personnel are invited to contact Applicant's Attorney via telephone if such communication would be beneficial in fulfilling this request.

Patent No. 7,044,458
Serial No. 09/846,141

Date Issued: May 16, 2006
Date Filed: April 30, 2001

Respectfully submitted,

A handwritten signature in black ink that reads "Richard G. Lione". The signature is written in a cursive style with a horizontal line underneath the name.

Richard G. Lione
Registration No. 19,795
Attorney for Applicants

BRINKS HOFER GILSON & LIONE
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CHICAGO, ILLINOIS 60610
(312) 321-4200

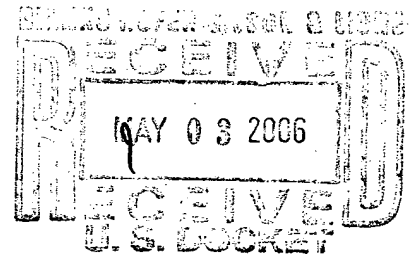


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APPLICATION NO.	ISSUE DATE	PATENT NO.	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/846,141	05/16/2006	7044458	4660/5200	6038

757 7590 04/26/2006
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ISSUE NOTIFICATION

The projected patent number and issue date are specified above.

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment is 678 day(s). Any patent to issue from the above-identified application will include an indication of the adjustment on the front page.

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (571) 272-4200.

APPLICANT(s) (up to 18 names are included below, see PAIR WEB site <http://pair.uspto.gov> for additional applicants):

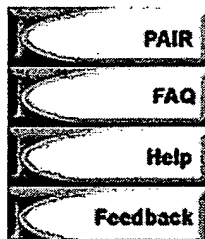
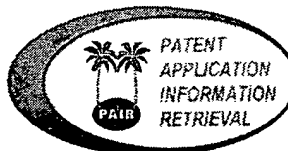
Timothy H. Daily, Grayslake, IL;
Jiri Pazdirek, Schaumburg, IL;
Robert G. Budzyn, Elgin, IL;



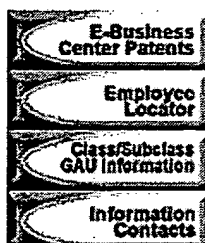
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PATENT APPLICATION INFORMATION RETRIEVAL



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Patent Term Adjustment (PTA) for application number: 09/846,141			
			Days
Filing or 371(c) Date:	04-30-2001	USPTO Delay (PTO):	692
Issue Date of Patent:	-	Three Years:	-
Pre-Issue Petitions (days):	+0	Applicant Delay (APPL):	66
Post-Issue Petitions (days):	+0	Total PTA:	626
USPTO Adjustment (days):	+0	Explanation of Calculations	

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☐ Continuity Data
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☐ File History
☐ Image File Wrapper
☒ Publication Review

Patent Term Adjustment History			
Date	Contents Description	PTO (days)	APPL (days)
12-15-2005	Mail Notice of Allowance		
12-12-2005	Notice of Allowance Data Verification Completed		
10-19-2005	Date Forwarded to Examiner		
10-13-2005	Response after Non-Final Action		
09-15-2005	Mail Miscellaneous Communication to Applicant		
09-13-2005	Miscellaneous Action with SSP		
09-01-2005	IFW TSS Processing by Tech Center Complete		
08-05-2005	Mail Miscellaneous Communication to Applicant		
07-29-2005	Miscellaneous Communication to Applicant - No Action Count		
03-29-2004	Miscellaneous Incoming Letter		
02-05-2004	Information Disclosure Statement considered		
02-05-2004	Reference capture on IDS		
02-05-2004	Information Disclosure Statement (IDS) Filed		
07-25-2005	Case Docketed to Examiner in GAU		
04-29-2005	Mail BPAI Decision on Appeal - Affirmed in Part	676	
04-29-2005	BPAI Decision - Examiner Affirmed in Part	↑	
04-19-2005	Docketing Notice Mailed to Appellant	↑	
04-19-2005	Assignment of Appeal Number	↑	
02-28-2005	Appeal Awaiting BPAI Docketing	↑	

10-01-2004	Mail Reply Brief Noted by Examiner	↑	
09-22-2004	Reply Brief Noted by Examiner	↑	
07-22-2004	Date Forwarded to Examiner	↑	
03-25-2004	Reply Brief Filed	↑	
01-28-2004	Mail Examiner's Answer	↑	
11-14-2003	Examiner's Answer to Appeal Brief	↑	
09-03-2003	Date Forwarded to Examiner	↑	
08-22-2003	Appeal Brief Filed	↑	
08-21-2003	Mail Advisory Action (PTOL - 303)	↑	
08-20-2003	Advisory Action (PTOL-303)	↑	
08-13-2003	Date Forwarded to Examiner	↑	
07-25-2003	Amendment/Argument after Notice of Appeal	↑	
06-24-2003	Notice of Appeal Filed	↑	4
06-06-2003	Mail Advisory Action (PTOL - 303)		↑
06-05-2003	Advisory Action (PTOL-303)		↑
05-28-2003	Date Forwarded to Examiner		↑
05-20-2003	Amendment after Final Rejection		↑
03-20-2003	Mail Final Rejection (PTOL - 326)		↑
05-28-2003	Final Rejection		
01-08-2003	Date Forwarded to Examiner		
12-17-2002	Response after Non-Final Action		62
12-17-2002	Request for Extension of Time - Granted		↑
07-16-2002	Mail Non-Final Rejection	16	↑
06-12-2002	Non-Final Rejection	↑	
06-12-2002	Case Docketed to Examiner in GAU	↑	
03-26-2002	Case Docketed to Examiner in GAU	↑	
03-26-2002	Case Docketed to Examiner in GAU	↑	
08-01-2001	New or Additional Drawing Filed	↑	
08-01-2001	Information Disclosure Statement (IDS) Filed	↑	
07-26-2001	Case Docketed to Examiner in GAU	↑	
06-26-2001	Application Dispatched from OIPE	↑	
06-25-2001	Correspondence Address Change	↑	
05-11-2001	IFW Scan & PACR Auto Security Review	↑	
04-30-2001	Initial Exam Team nn	↑	

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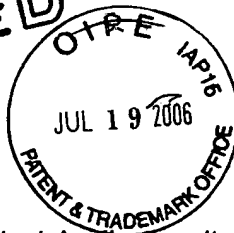
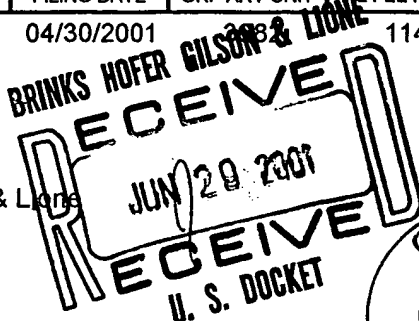


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WASHINGTON, D.C. 20231
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APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FILE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/846,141	04/30/2001	398	1142	4660/5200	2	21	3

William A. Webb
Brinks Hofer Gilson & Long
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CONFIRMATION NO. 6038

FILING RECEIPT



OC00000006225435

Date Mailed: 06/26/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Timothy H. Daily, Grayslake, IL;
Jiri Pazdirek, Schaumburg, IL;
Robert G. Budzyn, Elgin, IL;

Assignment For Published Patent Application

MacLean-Fogg Company;

Domestic Priority data as claimed by applicant**Foreign Applications**

If Required, Foreign Filing License Granted 06/25/2001

Projected Publication Date: 10/31/2002

Non-Publication Request: No

Early Publication Request: No

Title

Stabilizer bar

Preliminary Class

074

Data entry by : DUONG, MICHAEL

Team : OIPE

Date: 06/26/2001

